

## **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated April 2, 2008 (hereinafter Office Action) have been considered. Claims 1-34 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

**1. Claims 1-6, 8, 14-18, 20-25, 27-32 and 34 are rejected based on 35 U.S.C. §102(b) as being anticipated by Wireless Application Group, "User Agent Profile Specification" (hereinafter "WAG").**

The Applicants respectfully traverse the rejections, and submit that the claims as previously presented are not anticipated by WAG. However, in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicants present this response with amendment to clarify particular aspects of the claimed invention. These amendments make more clear what is believed to have been originally set forth in these claims, but now states so more specifically.

Independent Claims 1, 14, 21, and 28 have been amended to set forth that a capability descriptor is communicated to a service provider as part of the startup sequence and before a user-initiated network session is requested via the mobile computing arrangement. A data service initiated by the service provider independently of user requests is received based on the capability descriptor communicated to the service provider. These amendments are fully supported in the Specification as filed (e.g., Specification 0022 and 0040) and no new matter has been added.

As explained in the instant Specification at paragraph 0022:

Although the mobile terminal may be able to inform the service provider of the terminal's capability when the terminal user initiates a session, this does not necessarily occur when the service provider initiates the session. If the user does not first initiate a session using advanced features of the mobile terminal, the service provider may have no indication of the terminal's capabilities. Because the terminal is mobile, it may appear without warning on any geographically located network. Therefore, the network cannot assume a recently connected terminal has any capabilities other than the minimal set of capabilities needed to connect to the

network bearer. This may prevent a service provider from initiating a session utilizing advanced features of the mobile terminal.

The WAG reference fails to expressly or inherently describe the communication of capabilities before a user initiates a data session. WAG describes that a Capability and Preference Information (CPI) “is initially conveyed when a WSP session is established with a compliant WAP protocol gateway. The client thereafter assumes that the WAP gateway caches the CPI and will apply it on all requests initiated during the lifetime of the WSP session.” (WAG, § 5.1, ¶2).

The WAG reference only describes the CPI as being communicated when a WSP session is established, and these sessions are established only in response to data requests originating from the device. For example, “[t]he client device is assumed to employ the WAP communications protocols, particularly WSP [WSP], to request content from an origin server. The CPI is transmitted and maintained using designated WSP headers in accordance with this specification (see Section 9).” (*Id.*)(emphasis added). Thus WAG fails to teach that a CPI is communicated from a mobile device before any user-initiated or client-initiated requests occur, nor does WAG describe any manner of a server-initiated services received at the mobile device independently of user requests.

In various portions of WAG, it is made clear that the client device (e.g., mobile device) is acting as a pure client that receives services in response to user requests. For example: “a request travels over the network from the client device to the origin server,” (WAG, §4, ¶4); “information contained within the profile is provided on behalf of the user who will be receiving the content contained in the associated WSP response,” (WAG, §4.1, ¶3); “client device capable of requesting and rendering WAP content,” (WAG, §5, ¶3); “origin server is the ultimate recipient of the request initiated by the client device,” (WAG, §5.5, ¶1). Thus there is no express or inherent description of a server-initiated data service that is provided independently of user requests.

For at least the reasons above, independent Claims 1, 14, 21, and 28 are not anticipated by WAG. Dependent Claims 2-6 and 8 depend from independent Claim 1; dependent Claims 15-18 and 20 depend from independent Claim 14; dependent Claims 22-

25 and 27 depend from independent Claim 21; and dependent Claims 29-32 and 34 depend from independent Claim 28. These dependent claims also stand rejected under 35 U.S.C. §102(b) as being anticipated by WAG. While Applicants do not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1, 14, 21, and 28. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from WAG. Therefore, dependent Claims 2-6, 8, 15-18, 20, 22-25, 27, 29-32, and 34 are also in condition for allowance.

**2. Claims 7, 9, 11, 19, 26 and 33 are rejected based on 35 U.S.C. §103(a) as being unpatentable over WAG in view of U.S. Publication No. 2004/0052233 by Skog et al. (hereinafter “Skog”).**

Regarding Claims 9 and 11, Applicants note that the Skog was relied upon to show communicating the capability descriptor targeted for the services provider via a secondary network interface of the mobile computing arrangement, where such secondary network interface may include a Bluetooth network interface. However, the portions of Skog (¶¶0046-0050) cited in the rejection do not teach or suggest the communication of capabilities targeted for a service provider. As Skog clearly points at ¶0045 out Bluetooth is used to update the profile of a terminal “in response of an attached device's profile received from an attached device.” This update of a terminal’s profile only involves interaction between the terminal and the attached device and does not involve an application server.

The communication of a profile to an application server is described in Skog at ¶¶0053-0056. It should be noted that the rejection of Claims 7, 19, and 26 relied upon ¶0054 of Skog to show the communication of the capability descriptor targeted for a services provider via Short Message Service (SMS). Without acquiescing to this characterization of Skog’s use of SMS, Applicants note Skog fails to teach in ¶¶0053-0056 or elsewhere the use of either a secondary network interface or Bluetooth to communicate

capabilities to the network service provider. Thus the combination of Skog and WAG fails at least to teach or suggest all of the limitations of Claims 9 and 11.

Applicants further note that WAG explicitly describes associating CPI with a particular WSP session, e.g., “[t]he CPI is scoped to the particular WSP session within which it is transmitted; each of a client’s active WSP sessions therefore may be associated with a different set of CPI.” (WAG, § 5.1, ¶ 3). Similarly, Skog describes a “pre-requisite is that a data channel is established between the terminal (mobile phone) and the application server” in order to communicate profile data. (Skog, ¶0054) However, Claim 9 describes a secondary network interface which may be different than the interface used for receiving the data service. Neither Skog nor WAP describe the communication of profile data that is independent of an existing WSP session or data channel established with an application server.

Thus the combination of references fails to teach all of the features of the claimed invention, nor would such a combination provide a solution to a problem such as how to allow a service provider to initiate a session utilizing advanced features of the mobile terminal without the user first having to initiate a network session with a service provider. Neither WAG nor Skog suggest this problem or its solution because the profiles in WAG and Skog are tied to an existing sessions over a primary wireless interface. This is an additional reason why the combination of WAP and Skog fail to render Claims 9 and 11 obvious.

Further, for the rejections of Claims 7, 9, 11, 19, 26, and 33, the Office Action relies on WAG as teaching the substance of the claims from which these claims are dependent, namely, Claims 1, 14, 21, and 28. Skog is not relied upon as providing a remedy to the deficiencies of WAG as it pertains to independent Claims 1, 14, 21, and 28 nor does Skog provide such a remedy. The combination of WAG and Skog fail to teach or suggest the inventions set forth in Claims 1, 14, 21, and 28, as there is at least no reference to communicating a capability descriptor to a service provider as part of the startup sequence and before a user-initiated network session is requested via the mobile computing arrangement. The combination of references further fails to teach or suggest a data service

capabilities to the network service provider. Thus the combination of Skog and WAG fails at least to teach or suggest all of the limitations of Claims 9 and 11.

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Thus the combination of references fails to teach all of the features of the claimed invention, nor would such a combination provide a solution to a problem such as how to allow a service provider to initiate a session utilizing advanced features of the mobile terminal without the user first having to initiate a network session with a service provider. Neither WAG nor Skog suggest this problem or its solution because the profiles in WAG and Skog are tied to existing sessions over a primary wireless interface. This is an additional reason why the combination of WAP and Skog fail to render Claims 9 and 11 obvious.

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initiated by the service provider independently of user requests is received based on the capability descriptor communicated to the service provider.

While other requisites of establishing prima facie obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations, nor has the Office Action set forth any rationale why claim limitations not taught by the combination of references would nonetheless be obvious to one of ordinary skill in the art. For at least this reason, Claims 7, 9-13, 19, 26, and 33 are not rendered obvious by the combinations of WAG and Skog, and withdrawal of the rejections is respectfully solicited.

**3. Claim 10 is rejected based on 35 U.S.C. §103(a) as being unpatentable over WAG and Skog in view of U.S. Publication No. 2003/0202016 by Acton (hereinafter “Acton”).**

The rejection of Claim 10 states that “Acton teaches a system and method wherein the mobile computing arrangement comprises a local area network (WLAN) interface.” (Office Action, page 5, ¶15). Acton fails to teach or suggest communicating a capability descriptor targeted for the services provider via a WLAN interface, nor does the Examiner allege this to be the case. However, WAG only describes communicating a CPI in conjunction with a currently active WSP session, and neither WAG nor Acton teach or suggest engaging in a WSP session via WLAN, particularly when WLAN is configured as a secondary interface. Thus the assertions in the Office Action that “the artisan has good reason to pursue the known options within his or her technical grasp” unreasonably relies on Applicants own teachings as motivation to combine references in order to defeat patentability. None of the cited references show evidence of implementations of or reasons for communicating a capability descriptor to a service provider via a secondary interface before a user-initiated network session with the service provider is established. Thus because such communications are non-obvious, any technologies used to effect such communication, such as WLAN, are also non-obvious.

Further, rejection of Claim 10, the Office Action relies on WAG as teaching the substance of the claims from which these claims are dependent, namely, Claim 1. Acton is not relied upon as providing a remedy to the deficiencies of WAG as it pertains to independent Claim 1, nor does Acton provide such a remedy. While other requisites of establishing prima facie obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations, nor has the Office Action set forth any rationale why claim limitations not taught by the combination of references would nonetheless be obvious to one of ordinary skill in the art. For at least this reason, Claim 10 is not rendered obvious by the combination of WAG and Acton, and withdrawal of the rejection is respectfully solicited.

**4. Claims 12 and 13 are rejected based on 35 U.S.C. §103(a) as being unpatentable over WAG in view of Open Mobile Alliance, “User Agent Profile” (hereinafter “OMA”).**

The rejection of Claims 12 and 13 relies on OMA to show communicating a capabilities request targeted to the mobile computing arrangement, wherein the capability descriptor targeted for the service provider entity is communicated in response to the capabilities request. However, OMA, like WAG, only describes communicating a CPI to a service provider in conjunction with activating a WSP session. (e.g., “[u]pon opening a WSP [WSP] session with a WAP gateway, the UAProf-aware client conveys its profile information using Profile and Profile-Diff headers within the WSP Connect request,” OMA §6.1.1)(emphasis added).

Thus OMA fails to provide a remedy to the deficiencies of WAG in regards to Claim 1, from which Claims 12 and 13 depend. While other requisites of establishing prima facie obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations, nor has the Office Action set forth any rationale why claim limitations not taught by the combination of references would nonetheless be obvious to one of ordinary skill in the art.

For at least this reason, Claims 12 and 13 are not rendered obvious by the combination of WAG and OMA, and withdrawal of the rejections is respectfully solicited.

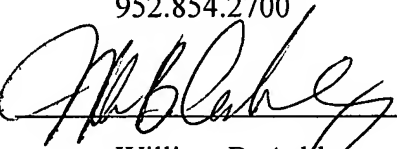
Authorization is given to charge Deposit Account No. 50-3581 (NOKM.073PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read 'W. B. Ashley', written over a horizontal line.

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